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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/435,375 05/05/95 MCFARLAND

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HUYNH, B

EXAMINER

24M1/0118

ART UNIT

PAPER NUMBER

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2415

DATE MAILED:
01/18/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I. THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☒ Notice of References Cited by Examiner, PTO-892.
- ☒ Notice of Draftsman's Patent Drawing Review, PTO-948. *subst.*
- ☐ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐ _____

Part II. SUMMARY OF ACTION

- ☒ Claims 1-7 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
- ☐ Claims _____ have been cancelled.
- ☐ Claims _____ are allowed.
- ☒ Claims 1-7 are rejected.
- ☐ Claims _____ are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.
- ☒ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
- ☐ Formal drawings are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on _____ Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
- ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
- ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
- ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

EXAMINER'S ACTION

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Part III DETAILED ACTION

Drawings

1. The drawings are objected to because Figures 1-4 are not designated by a legend such as "Prior Art", as described in the BACKGROUND of the invention (see page 1, line 31; page 2, line 23; page 3, lines 1 and 10). The legend is necessary in order to clarify what applicant's invention is. MPEP § 608.02(g). Correction is required.

Claim Rejections - 35 USC § 112

2. Claims 1-5 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- As per claim 1: The step "returning said open window to said original position based upon said list" is confusing since the window is closed in the preceding step ("receiving...an indication that said open window is to be closed..."), thus it is confusing as to whether the window is closed or still open, and how the closed window is placed in its original open position among the cascaded windows. A similar problem is found in claim 4 ("closing said first open window...; placing said first

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open window behind said second open window..."). Claims 2-3 and 5 are rejected for being dependents of the rejected claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

4. Claims 1-7 are rejected under 35 U.S.C. § 103 as being unpatentable over Bates et al., US patent #5,377,317.

- As per claims 1, 4: Bates et al. teach a method for displaying cascaded windows based on its priority, from most to least. The topmost window is the window with highest priority (see figure 2C). A window list is generated for the window display priority (see figure 2D). The list provides an indication of whether or not a window is in its original position. When a window is in focus, it will be removed from its

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original position and displayed distinctively on the screen and not overlapped by the others. When the window is no longer in focus, the window is return to its original position according to the windows list. It is noted that in Bates et al. the window priority is varied dependent on the amount of time each of the window is active. However, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement a fixed priority for the windows thus to display the cascaded windows in a fixed order. Bates et al. fail to clearly teach the generating an indicator of whether a window is in its original position.

As per claims 2, 3: Each window is associated with a window name or identifier. Bates et al. fail to explicitly teach the comparing of the window identifier with the window list, however since the window is to be return to its original position within the others following by priority order, it would appears that the system must determines the window position by comparing the window name with the window list. Thus the comparing step is implicitly included in Bates et al.

- As per claim 5: When a window is in focus and being displayed in a position different from its original position, it implicitly included that the rest of the window remains its display priority on the display. For example, when "Quicken" is in focus, "Exel" will be overlapped by "Turbo Tax" window.

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- As per claims 6, 7: Claims 6 and 7 are apparatus claims which recite the components corresponding to the steps of the method claims 1 and 2, thus are rejected for the similar reason as set forth in the rejection of claims 1 and 2.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huynh-Ba whose telephone number is (703) 305-9794.

Huynh-Ba
January 9, 1996

HB


RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2415

88/435,375

Attachment to #2

The drawings submitted with this application were declared informal by the applicant. Accordingly they have not been reviewed by a draftsperson at this time. When formal drawings are submitted, the draftsperson will perform a review.

Direct any inquires concerning drawing review to the Drawing Review Branch (703) 305-8404.